

House Bill 1282 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 149th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Leary, Georgia; to provide for incorporation,
2 boundaries, and powers of the city; to provide for a governing authority of such city and the
3 powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and mayor pro tempore, and certain duties,
8 powers, and other matters relative thereto; to provide for a city manager and powers and
9 duties thereof; to provide for administrative affairs and responsibilities; to provide for boards,
10 commissions and authorities; to provide for a city attorney, a city clerk, and other personnel
11 and matters relating thereto; to provide for a municipal court and the judge or judges thereof
12 and other matters relative to those judges; to provide for the court's jurisdiction, powers,
13 practices, and procedures; to provide for the right of certiorari; to provide for elections; to
14 provide for taxation, licenses, and fees; to provide for franchise service charges, and
15 assessments; to provide for bonded and other indebtedness; to provide for auditing,
16 accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to
17 provide for conveyance of property; to provide for bonds for officials; to provide for prior
18 ordinances and rules, pending matters, and existing personnel; to provide for definitions and
19 construction; to provide for other matters relative to the foregoing; to provide for
20 severability; to repeal a specific Act; to provide for referendum, effective dates, and
21 automatic repeal; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 An Act incorporating the City of Leary, Georgia, approved January 31, 1975 (Ga. L. 1975,
25 p. 4401), as amended, is repealed in its entirety and all amendatory Acts thereto are likewise

26 repealed in their entirety, and a new charter for the City of Leary, Georgia, is provided as
27 follows:

28 **ARTICLE I.**

29 **INCORPORATION AND POWERS**

30 **SECTION 1.10.**

31 **Incorporation.**

32 This city and the inhabitants thereof are incorporated by the enactment of this charter and are
33 constituted and declared a body politic and corporate under the name and style of the City
34 of Leary, Georgia, and by that name shall have perpetual existence.

35 **SECTION 1.11.**

36 **Corporate boundaries.**

37 (a) The boundaries of the city shall be those existing on the effective date of the adoption
38 of this charter with such alterations as may be made from time to time in the manner
39 provided by law. The boundaries of this city at all times shall be shown on a map, or a
40 written description, retained permanently in the city hall for the City of Leary, Georgia, and
41 to be identified as the "Official Map (or Description) of the Corporate Limits of the City of
42 Leary, Georgia." Photographic, typed, or other copies of such map or description certified
43 by the city clerk shall be admitted as evidence in all courts and shall have the same force and
44 effect as with the original map or description.

45 (b) The city council may provide for redrawing of any such map by ordinance to reflect
46 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes
47 the entire map or maps which it is designated to replace.

48 **SECTION 1.12.**

49 **Powers and construction.**

50 (a) This city shall have all powers possible for a city to have under the present or future
51 Constitution and laws of this state as fully and completely as though they were specifically
52 enumerated in this charter. This city shall have all the powers of self-government not
53 otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of this city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

SECTION 1.13.

Specific powers.

The city shall have the following powers:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running-at-large of animals and fowl, and to provide for the impoundment of the same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or human destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder.

(2) Appropriations and expenditures. To make appropriations and expenditures for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter, or for municipalities by the laws of the State of Georgia; and to provide for the payment of expenses of the city.

(3) Building regulations. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; to regulate all housing and building trades.

(4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may thereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees.

(5) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations.

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists, within or outside of the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city.

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment.

(9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof.

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefitting from such services, or to whom such services are available; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges.

(11) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards.

(12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any sources for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose.

(13) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(14) Jail sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials.

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city.

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same.

(17) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia.

(18) Municipal property ownership. To acquire, dispose of, lease, option, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside of the corporate limits of the city.

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof.

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric light plants, cable television, and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same.

(21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property.

(22) Penalties. To provide penalties for the violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia.

(23) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community.

(24) Police and fire protection. To exercise the power of arrest through duly appointed policemen and to establish, operate, or contract for a police department and a fire-fighting agency.

(25) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public.

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, and playgrounds, recreational facilities, cemeteries, markets, and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation

under procedures provided in the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(27) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances.

(28) Public transportation. To organize and operate such public transportation systems as are deemed beneficial.

(29) Public utilities and services. To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission.

(30) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within the view thereof; within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances.

(31) Retirement. To provide and maintain a retirement plan for officers and employees of the city.

(32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, provide drainage for, adorn, with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways, within the corporate limits of the city; and to grant franchise and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so.

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sanitary sewage disposal plant and sewerage system, and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system.

(34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials; and to provide for the sale of such items.

(35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and hearing equipment, and any other business or situation which the city may deem to be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performance, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit, professional fortune-telling, palmistry, adult bookstores, and massage parlors.

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements.

(37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation.

(38) Taxes; other. To levy and collect such other taxes as may be allowed now or in the future by law.

(39) Urban redevelopment. To organize and operate an urban redevelopment program.

(40) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.14.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried out into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia. If this charter makes no provisions, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

230 **ARTICLE II**
231 **GOVERNMENT STRUCTURE**

232 **SECTION 2.10.**

233 City council; creation; number; election.

234 The legislative authority of the government of this city, except as otherwise specifically
235 provided in this charter, shall be vested in a city council to be composed of a mayor and four
236 council members. The city council established shall in all respects be a successor to and
237 continuation of the governing authority under prior law. The mayor and council members
238 shall be elected in the manner provided by general law and this charter.

239 **SECTION 2.11.**

240 City council terms and qualifications for office.

241 The members of the city council shall serve for terms of four years and until their respective
242 successors are elected and qualified. No person shall be eligible to serve as mayor or council
243 member unless that person shall have been a resident of the city for one year prior to the date
244 of the election; each person holding city office shall continue to reside therein during his or
245 her period of service and to be registered and qualified to vote in municipal elections of this
246 city. Persons shall also be subject to other qualifications as provided by general law.

247 **SECTION 2.12.**

248 Vacancy; filling of vacancies.

249 (a) Vacancies. The office of mayor or council member shall become vacant upon the
250 occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the
251 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
252 be enacted.

253 (b) Filling of vacancies. A vacancy in the office of mayor or council member shall be filled
254 for the remainder of the unexpired term, if any, by appointment by the remaining council
255 members if less than six months remain in the unexpired term; otherwise, an election shall
256 be held, as provided for in Section 5.14 of this charter, and in accordance with Titles 21 and
257 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be
258 enacted.

SECTION 2.13.

Compensation and expenses.

The mayor and council members shall receive compensation and expenses for their services as established by ordinance adopted in accordance with general law.

SECTION 2.14.

Holding other office; conflicts of interest; code of ethics.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any ordinance, resolution, contract, or other matter in which that person is financially interested.

(c) Conflicts of interest. No elected official, appointed officer, or employee of the city or an agency or political entity to which this charter is applicable shall knowingly violate the Conflict of Interest provisions of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, provisions in this charter and other applicable laws of this state.

(d) Code of ethics. No elected official, appointed officer, or employee of the city or an agency or political entity to which this charter is applicable shall knowingly violate the Code of Ethics provisions of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, provisions in this charter and other applicable laws of this state.

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

SECTION 2.16.

General power and authority of the city council.

Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of the government of this city.

SECTION 2.17.

Eminent domain.

The city council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city and to regulate use thereof, and for such other purposes property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Organizational meetings.

(a) The city council shall hold an organizational meeting on the first meeting in January following the regular election, as provided for in Section 5.11 of this charter.

(b) The meeting shall be called to order by the city clerk, and the oath of office shall be administered to the newly-elected members as follows:

"I _____ do solemnly swear or affirm that I will properly perform the duties of the office of _____ in and for the City of Leary, Georgia, to the best of my knowledge, skill, and ability; that I am not the holder of any unaccounted for public money due to the State of Georgia or any political subdivision or authority thereto; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state, which I am, by the laws of the State of Georgia, prohibited from holding; that I am qualified to hold the office which I am about to enter according to the Constitution of the United States and laws of the State of Georgia; that I will support the Constitution of the United States and the State of Georgia; that I have been a resident of post from which elected and the City of Leary, Georgia, for the time required by the Constitution, laws of the State of Georgia, and the charter of the City of Leary, Georgia, so help me God."

SECTION 2.19.

Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or two members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least twenty-four hours in advance of the meeting. Such notice to council members shall not be required if the mayor and all council members are present when the special meeting is called. Such notice of any special meeting may be waived by a council member in writing before or after such meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such council member's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law, and notice to the public of special meetings shall be made fully as is reasonably possible as provided by O.C.G.A. Section 50-14-1, or other such applicable laws as are or may hereafter be enacted.

SECTION 2.20.

Rules of procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairs and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.21.

Quorum; voting.

Three council members, other than the mayor, or the mayor and two council members shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the journal; but any member of the city council shall have the right to request a roll call vote, and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of three council members or two council members and the mayor shall be required for the adoption of any ordinance, resolution, or motion. The mayor shall vote only in the event of a tie or when an affirmative or negative vote by the mayor constitutes a majority of three votes. An abstention shall not be counted as either an affirmative or negative vote.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing, and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Leary, Georgia," and every ordinance shall so begin.

(b) An ordinance may be introduced by a council member and may be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each council member and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene by call of the mayor or three council members and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money, except for loans to be repaid within 30 days.

(b) An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear, specific terms.

(c) An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three council members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify.

384 (d) Every emergency ordinance shall automatically stand repealed 30 days following the
385 date upon which it was adopted, but this shall not prevent re-enactment of the ordinance in
386 the manner specified in this section if the emergency still exists. An emergency ordinance
387 may also be repealed by adoption of a repealing ordinance in the same manner specified in
388 this section for adoption of emergency ordinances.

389 (e) Such meetings shall be open to the public to the extent required by law, and notice to the
390 public of emergency meetings shall be made as fully as is reasonably possible in accordance
391 with O.C.G.A. Section 50-14-1 or other applicable laws as are or may hereafter be enacted.

392 **SECTION 2.25.**

393 Code of technical regulations.

394 (a) The city council may adopt any standard code of technical regulations by reference
395 thereto in an adopting ordinance. The procedure and requirements governing such adopting
396 ordinance shall be as prescribed for ordinances generally, except that: (1) the requirements
397 of Section 2.22 (b) of this charter for distribution and filing of copies of the ordinance shall
398 be construed to include copies of any code of technical regulations, as well as the adopting
399 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the
400 adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26
401 of this charter.

402 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
403 for inspection by the public.

404 **SECTION 2.26.**

405 Signing; authenticating; recording; codification; printing.

406 (a) The clerk shall authenticate by the clerk's signature and record in full, in a properly
407 indexed book kept for that purpose, all ordinances adopted by the city council.

408 (b) The city council shall provide for the preparation of a general codification of all the
409 ordinances of the city having the force and effect of law. The general codification shall be
410 adopted by the city council by ordinance and shall be published promptly, together with all
411 amendments thereto, and such codes of technical regulations and other rules and regulations
412 as the city council may specify. This compilation shall be known and cited officially as "The
413 Code of the City of Leary, Georgia." Copies of the code shall be furnished to all officers,
414 departments, and agencies of the city and made available for purchase by the public at a
415 reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.27.

Chief executive officer.

The mayor shall be the chief executive officer of this city. The mayor shall possess all of the executive and administrative power granted to the city under the constitution and laws of the State of Georgia, and all the executive powers contained in this charter.

SECTION 2.28.

Powers and duty of mayor.

As the chief executive of this city, the mayor shall:

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Exercise supervision over all executive and administrative work of the city and over all employees and departments of the city and provide for the coordination of administrative activities;
- (3) Prepare and submit to the city council a recommended operating budget and capital budget;
- (4) Submit to the city council, at least once a year, a statement covering the financial conditions of the city, and, from time to time, such other information as the city council may request;
- (5) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
- (6) Call special meetings of the city council as provided for in Section 2.19 (b) of this charter;
- (7) Preside at all meetings of the city council and vote only in the event of a tie or when an affirmative or negative vote by the mayor constitutes a majority of three votes;

(8) Provide for an annual audit of all accounts of the city;

(9) Require any department or agency of the city to submit written reports whenever the mayor deems it expedient; and

(10) Perform such other duties as may be required by law, this charter, or by ordinance.

SECTION 2.29.

Mayor pro-tem.

By a majority vote, the city council shall elect a council member to serve as mayor pro-tem. In the mayor's absence, the mayor pro-tem shall preside at meetings of the city council and assume the duties and powers of the mayor upon the mayor's physical or mental disability; provided that the mayor pro-tem shall vote as a member of the council at all times when serving as herein provided.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

(a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties of, and establish, abolish, alter, consolidate, or leave vacant all non-elective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of the city.

(b) Except as otherwise provided by this charter or by law, the directors of city departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointive officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointive officers, directors and department heads shall be employees at-will and subject

480 to removal or suspension at any time by the mayor, unless otherwise provided by law or
481 ordinance.

482 **SECTION 3.11.**

483 Boards, commissions, and authorities.

484 (a) The city council shall create, by ordinance, such boards, commissions, and authorities
485 to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
486 necessary and shall, by ordinance, establish the composition, period of existence, duties, and
487 powers thereof.

488 (b) All members of boards, commissions, and authorities of the city shall be appointed by
489 the city council for such terms of office and in such manner as shall be provided by
490 ordinance, except where other appointing authority, terms of office, or manner of
491 appointment is prescribed by this charter or by law.

492 (c) The city council, by ordinance, may provide for the compensation and reimbursement
493 for actual and necessary expenses of the members of any board, commission, or authority.

494 (d) Except as otherwise provided by charter or by law, no member of any board,
495 commission, or authority shall hold any elective office in the city.

496 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
497 unexpired term in the manner prescribed herein for original appointment, except as otherwise
498 provided by this charter or by law.

499 (f) No member of a board, commission, or authority shall assume office until that person has
500 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully
501 and impartially perform the duties of that member's office, such oath to be prescribed by
502 ordinance and administered by the mayor.

503 (g) All board members serve at-will and may be removed at any time by a vote of three
504 members of the city council, unless otherwise provided by law.

505 (h) Except as otherwise provided by this charter or by law, each board, commission, or
506 authority of the city shall elect one of its members as chair and one member as vice chair and
507 may elect as its secretary one of its own members or may appoint as secretary an employee
508 of the city. Each board, commission, or authority of the city government may establish such
509 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
510 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
511 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the
512 city.

513 **SECTION 3.12.**

514 City attorney.

515 The city council shall appoint a city attorney, together with such assistant city attorneys as
516 may be authorized, and shall provide for the payment of such attorney or attorneys for
517 services rendered to the city. The city attorney shall be responsible for providing for the
518 representation and defense of the city in all litigation in which the city is a party; may be the
519 prosecuting officer in the municipal court; shall attend the meetings of the city council as
520 directed; shall advise the city council, mayor, and other officers and employees of the city
521 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
522 required by virtue of the person's position as city attorney.

523 **SECTION 3.13.**

524 City clerk.

525 The city council shall appoint a city clerk who shall not be a council member. The city clerk
526 shall be custodian of the official city seal and city records; maintain city council records
527 required by this charter; and perform such other duties as may be required by the city
528 council.

529 **SECTION 3.14.**

530 Personnel policies.

531 All employees serve at-will and may be removed from office at any time, unless otherwise
532 provided by ordinance.

533 **ARTICLE IV**
534 **JUDICIAL BRANCH**

535 **SECTION 4.10.**

536 Creation; name.

537 There shall be a court to be known as the Municipal Court of the City of Leary, Georgia.

SECTION 4.11.**Judges.**

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge of the municipal court unless that person shall have attained the age of 21 years and shall possess all the qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at-will and may be removed from office at any time by the city council, unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given before the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.

SECTION 4.12.**Convening.**

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.**Jurisdiction; powers.**

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or 10 days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00, imprisonment for 180 days, or such fine and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash, or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution shall be issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place affixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants, which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Calhoun County, Georgia, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for court.

With the approval of the city council, the judge or judges of the municipal court shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however,

that the city council may adopt in part or in total the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V

ELECTIONS

SECTION 5.10.

Applicability of general law.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, "the Georgia Election Code," as amended.

SECTION 5.11.

Regular elections; time for holding.

(a) Beginning in 2011, and every four years thereafter, on the Tuesday following the first Monday in November, there shall be an election for mayor and all four city council members. The terms of office shall begin at the organization meeting as provided for in Section 2.18 of this charter.

(b) The mayor and council members who are in office on the effective date of this Act shall serve until the expiration of the term of office to which they were elected and until their successors are elected and qualified.

SECTION 5.12.

Nonpartisan election.

Political parties shall not conduct primaries for city offices, and all names of all candidates for city offices shall be listed without party designation.

SECTION 5.13.

Election by plurality.

The person receiving a plurality of the votes cast in the city election for the office of mayor shall be elected. The persons receiving the highest number of votes for city council shall be elected.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or council member shall become vacant, as provided in Section 2.12 of this charter, the city council or those remaining shall appoint a successor for the remainder of the term if such vacancy occurs within six months of the expiration of the term of that office; provided, if such vacancy occurs with more than six months remaining before the expiration of the term of that office, the city council shall order a special election to fill the balance of the unexpired term of such official. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as amended.

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as amended.

SECTION 5.16.

Removal of officers.

(a) The mayor, council members, or other appointed officers as provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than 10 days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the impartial panel to

the Superior Court of Calhoun County, Georgia. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Calhoun County, Georgia, following a hearing on a complaint seeking such removal brought by any resident of the City of Leary, Georgia.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The city council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Regulatory fees; permits.

The city council, by ordinance, shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city for regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter.

SECTION 6.14.

Franchise.

(a) The city council shall have the power to grant franchise for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation thereof. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide, by ordinance, for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunication companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges.

The city council, by ordinance, shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

720 **SECTION 6.16.**

721 Special assessments.

722 The city council, by ordinance, shall have the power to assess and collect the cost of
723 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
724 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
725 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
726 collected as provided in Section 6.18 of this charter.

727 **SECTION 6.17.**

728 Construction; other taxes and fees.

729 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
730 and the specific mention of any right, power, or authority in this article shall not be construed
731 as limiting in any way the general powers of this city to govern its local affairs.

732 **SECTION 6.18.**

733 Collection of delinquent taxes and fees.

734 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
735 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
736 whatever reasonable means as are not precluded by law. This shall include providing for the
737 dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.
738 fas.; creation and priority of liens; making delinquent taxes and fees the personal debts of
739 the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay
740 any city taxes or fees; and providing for the assignment or transfer of tax executions.

741 **SECTION 6.19.**

742 General obligation bonds.

743 The city council shall have the power to issue bonds for the purpose of raising revenue to
744 carry out any project, program, or venture authorized under this charter or the laws of the
745 State. Such bonding authority shall be exercised in accordance with the laws governing bond
746 issuance by municipalities in effect at the time said issue is undertaken.

747 **SECTION 6.20.**

748 Revenue bonds.

749 Revenue bonds may be issued by the city council as state law now or hereafter provides.
750 Such bonds are to be paid out of any revenue produced by the project, program, or venture
751 for which they were issued.

752 **SECTION 6.21.**

753 Short-term loans.

754 The city may obtain short-term loans and must repay such loans not later than December 31
755 of each year, unless otherwise provided.

756 **SECTION 6.22.**

757 Lease-purchase contracts.

758 The city may enter into multi-year lease, purchase, or lease purchase contracts for the
759 acquisition of goods, materials, real and personal property, services, and supplies provided
760 the contract terminates without further obligation on the part of the municipality at the close
761 of the calendar year in which it was executed and at the close of such succeeding calendar
762 year for which it may be renewed. Contracts must be executed in accordance with the
763 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or other
764 such applicable laws as are or may hereafter be enacted.

765 **SECTION 6.23.**

766 Fiscal year.

767 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
768 budget year and the year for financial accounting and reporting of each year and every office,
769 department, agency, and activity of the city government.

770 **SECTION 6.24.**

771 Preparation of budgets.

772 The city council shall provide by ordinance for the procedures and requirements for the
773 preparation and execution of an annual operating budget, a capital improvement plan, and

774 a capital budget, including requirements as to the scope, content, and form of such budgets
775 and plans.

776 **SECTION 6.25.**

777 Submission of operating budget to city council.

778 On or before a date fixed by the city council, but not later than 60 days prior to the beginning
779 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
780 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
781 containing a statement of the general fiscal policies of the city, the important features of the
782 budget, explanations of major changes recommended for the next fiscal year, a general
783 summary of the budget and such other pertinent comments and information. The operating
784 and capital budgets hereinafter provided for, the budget message and all supporting
785 documents shall be filed in the office of the city clerk and shall be open to public inspection.

786 **SECTION 6.26.**

787 Action by city council on budget.

788 (a) The city council may amend the operating budget proposed by the mayor, except that the
789 budget amended and adopted must provide for all expenditures required by state law or by
790 other provisions of this charter and for all debt service requirements for the ensuing fiscal
791 year, and the total appropriations from any fund shall not exceed the estimated fund balance,
792 reserves, and revenues.

793 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
794 year not later than January 1 of each year. If the city council fails to adopt the budget by this
795 date, the amounts appropriated for operation for the current fiscal year shall be deemed
796 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
797 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.
798 Adoption of the budget shall take the form of an appropriations ordinance setting out the
799 estimated revenues in detail by sources and making appropriations according to fund and by
800 organizational unit, purpose, or activity as set out in the budget preparation ordinance
801 adopted pursuant to Section 6.24 of this charter.

802 (c) The amount set out in the adopted operating budget for each organizational unit shall
803 constitute the annual appropriation for such, and no expenditure shall be made or
804 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
805 allotment thereof, to which it is chargeable.

806 **SECTION 6.27.**

807 Tax levies.

808 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
809 set by such ordinance shall be such that reasonable estimates of revenues from such levy
810 shall at least be sufficient, together with other anticipated revenues, fund balances, and
811 applicable reserves, to equal the total amount appropriated for each of the several funds set
812 forth in the annual operating budget for defraying the expenses of the general government
813 of this city.

814 **SECTION 6.28.**

815 Changes in appropriation.

816 The city council, by ordinance, may make changes in the appropriations contained in the
817 current operating budget at any regular meeting, or special or emergency meeting called for
818 such purpose, but any additional appropriations may be made only from an existing
819 unexpended surplus.

820 **SECTION 6.29.**

821 Independent audit.

822 There shall be an annual independent audit of all city accounts, funds, and financial
823 transactions by a certified public accountant selected by the city council. The audit shall be
824 conducted according to generally accepted auditing principles. Any audit of any funds by
825 the state or federal governments may be accepted as satisfying the requirements of this
826 charter. Copies of annual audit reports shall be available at printing costs to the public.

827 **SECTION 6.30.**

828 Contracting procedures.

829 (a) No contract with the city shall be binding on the city unless:

830 (1) It is in writing;

831 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
832 course, is signed by the city attorney to indicate such drafting review; and

833 (3) It is made or authorized by the city council and such approval is entered in the city
834 council journal of proceedings pursuant to Section 2.21 of this charter.

835 (b) If the mayor is unable to execute contracts due to his or her absentee or disability, the
836 mayor pro-tem shall sign such contract pursuant to the terms of Section 2.29 of this charter.

837 **SECTION 6.31.**

838 Centralized purchasing.

839 The city council shall, by ordinance, prescribe procedures for a system of centralized
840 purchasing for the city.

841 **SECTION 6.32.**

842 Sale and lease of city property.

843 (a) The city council may sell and convey or lease any real or personal property owned or
844 held by the city for governmental or other purposes, as now or hereafter provided by law.

845 (b) The city council may quitclaim any rights it may have in property not needed for public
846 purposes upon report by the mayor and adoption of a resolution, both finding that the
847 property is not needed for public or other purposes and that the interest of the city has no
848 readily ascertainable monetary value.

849 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
850 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
851 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
852 and convey said cut off or separated parcel or tract of land to an abutting or adjoining
853 property owner or owners where such sale and conveyance facilitates the enjoyment of the
854 highest and best use of the abutting owner's property. Included in the sales contract shall be
855 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
856 property owner shall be notified of the availability of the property and given the opportunity
857 to purchase said property under such terms and conditions as set out by ordinance. All deeds
858 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
859 interest the city has in such property, notwithstanding the fact that no public sale after
860 advertisement was or is hereafter made.

861 **ARTICLE VII**
862 **MISCELLANEOUS**

863 **SECTION 7.10.**
864 Bonds for officials.

865 The officers and employees of this city, both elected and appointive, shall execute such
866 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
867 council shall from time to time require by ordinance or as may be provided by law.

868 **SECTION 7.11.**
869 Existing ordinances, resolutions, rules, and regulations.

870 All ordinances, resolutions, rules and regulations now in force in the city and not inconsistent
871 or in conflict with this charter are hereby declared valid and of full effect and force until
872 amended or repealed by the city council.

873 **SECTION 7.12.**
874 Existing personnel and officers.

875 Except as specifically provided otherwise by this charter, all personnel and officers of the
876 city and their rights, privileges, and powers shall continue beyond the time this charter takes
877 effect for a period of 180 days before or during which the existing city council shall pass a
878 transition ordinance detailing the changes in personnel and appointed officers required or
879 desired and arranging such titles, rights, privileges, and powers as may be required or desired
880 to allow a reasonable transition.

881 **SECTION 7.13.**
882 Pending matters.

883 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
884 contracts, and legal or administrative proceedings shall continue and any such ongoing work
885 or cases shall be completed by such city agencies, personnel, or offices as may be provided
886 by the city council.

SECTION 7.14.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.15.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

An Act incorporating the City of Leary, Georgia, in the County of Calhoun, State of Georgia, approved in 1975 (Ga. L. 1975, p. 4401), as amended, is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.17.

Effective date.

This charter shall be effective upon pre-clearance by the United States Department of Justice or a determination that pre-clearance is not required.

SECTION 2.

It shall be duty of the mayor and council of the City of Leary, Georgia, through their legal counsel, to submit this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended, within 60 days after its approval by the Governor or its becoming law without such approval.

916

SECTION 3.

917 All laws and parts of laws in conflict with this Act are repealed.